

REMARKS

Following entry of the above amendment, claims 5, 6, 9, 10, 11, 12, 13 are pending in the above-identified application. Claims 1, 2, 3, 4, 7, 8, and 14- 20 have been cancelled.

Claims 5 and 6 are rewritten to incorporate claim 4, from which claims 5 and 6 depend.

Claim 9 is rewritten to incorporate claim 7, from which claim 9 depends.

Reconsideration and withdrawal of the rejections are requested in view of the following remarks.

Objections

In paragraph 3 of the Office Action, the specification and sequence listing are objected to as including new matter. Applicant disagrees that the amendments include new matter, but in response, the specification and the sequence listing has been amended to change "DNal" to "DNle."

Applicants are unable to locate the part of Paragraph [0057], line 12, not including a SEQUENCE ID NO. No amendment has been made in response to this objection.

Applicants respectfully request that the objections be withdrawn.

Claim 11: Statutory Double Patenting

In paragraph 7 of the Office Action, claim 11 is rejected for statutory double patenting over U.S. Pat. No 7,135,548. However, claim 11 depends on claim 10 which is rejected only for nonstatutory double patenting in paragraph 9 of the Office Action for which Applicant has filed a terminal disclaimer. Accordingly, Applicant requests that the rejection of claim 11 be withdrawn.

Claims 5, 9, 10, 12: Nonstatutory Double patenting

In paragraph 9 of the Office Action, claims 5, 9, 10, 12 are rejected for nonstatutory double patenting over U.S. Pat. No 7,135,548. In response, Applicant files a terminal disclaimer herewith. Accordingly, Applicants request that the rejection be withdrawn.

CONCLUSION

In view of the foregoing, it is submitted that this application is in condition for allowance. A Notice of Allowance is requested. If the Examiner has any questions or matters that can be expediently handled by telephone, he or she is encouraged to contact the undersigned at (310) 788-9900.

Respectfully submitted,
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